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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,650	06/18/2007	Denis Lantsbury	GFR056US	9572

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EXAMINER

STORMER, RUSSELL D

ART UNIT	PAPER NUMBER
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3617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/555,650	Applicant(s) LANTSBURY ET AL.	
	Examiner Russell D. Stormer	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/4/05</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the embodiment in which the studs are integrally formed with the wheel as set forth in claim 14, the studs which are removable from the wheel as set forth in claim 15, and the golf course traversing vehicle as set forth in claim 30 must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because the abstract makes no mentions of the elongated base or the continuous loop of resilient material on which the studs are shown to be mounted. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

On pages 5 and 6, the elements 7 and 8 are described as both “end edges” and as “surfaces.” One term should be chosen for each of the elements of the invention and used consistently throughout the disclosure.

On page 6, the base 4 is described as being shown in figures 5-7 as a single loop, but figures 5-7 actually show the base to have ends 7 and 8.

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter.

The specification does not describe the studs would integrally formed with the rim, or made to be removable from the rim as set forth in claims 14 and 15.

The specification does not adequately describe the dimensions of the outer peripheral rim surface of the wheel, nor does it describe the how the base could have the same dimensions as the rim, or what these dimensions might constitute.

See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Claim Objections

Claim 28 is objected to because it does not end with a period (.).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14, 15, and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The subject matter of the claims is not adequately described as noted in the objection to the specification above.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 is indefinite because there is no antecedent basis for the wheel having rows of studs.

Claim 24 is indefinite because it does not set forth which dimensions of the outer peripheral surface of the rim are being referred to. Do the dimensions include the width, diameter, curvature, etc., or some combination thereof?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey.

Harvey discloses a plurality of studs 14 mounted to an elongate base 13 in staggered rows. The studs have a cavity or female portion 15 which receives a stud or male portion 16 to secure the stud 14 to the base. The base 13 is mounted to a rim 11

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of a wheel, and is made of steel, which is considered to be a resilient material with respect to claim 17. The studs 14 are shown to be frusto-conical, but those of ordinary skill in the art would have recognized that the studs could be formed to have other shapes that would be equally effective in providing traction to the wheel, and would have been capable of determining other suitable shapes. Therefore, for the studs to be substantially parabolic in shape would have been obvious as a design expedient based on the intended use of the wheel, the vehicle on which is mounted, the environment or surface on which is intended to be used, etc. Further, modifying the shape of the studs would yield predictable results.

With respect to claim 5, to have only two rows of studs on the wheel would have been obvious based on the surface over which the wheel will be used, and those of ordinary skill in the art could readily determine a suitable number of rows of studs.

With respect to claims 6-13 and 25, the dimensions of the studs and their spacing on the rim or base would have been obvious as mechanical expedients based on the size of the wheel, the intended use, the running surface of the vehicle, and the amount of traction needed.

With respect to claim 14, to form the studs to be integral with the wheel would have been obvious as an alternate equivalent form of securing the studs to the wheel.

With respect to claim 19, the ends of the strips 13 include attachment means as shown in figures 2, 3, 5, and 6, but a hook and loop fastener is not utilized. However, those of ordinary skill in the art would have found it obvious to substitute a hook and loop attachment means for the screws 23 and the openings 21 of Harvey as this would

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simplify assembly of the strips onto the rim and reduce the number of parts needed.

Further, such a substitution would yield predictable results.

With respect to claim 20, it is well-known in the endless belt art to form the ends of a strip at 45 degree angles in order to provide a more secure connection of the ends and prevent a condition in which the entire seam or connection passes over an object at once. Official Notice is hereby given with respect to claim 20.

With respect to claims 21 and 22, for the studs and the base to be formed from a single piece of material, or for the base to comprise a single continuous loop would have been obvious as an alternate and equivalent construction of the assembly. The results of these modifications would be predictable.

With respect to claim 24, the base 13 appears to have at least the same width as the rim 11.

With respect to claims 26, 27, and 29, the intended use of the wheel, such as on a golf cart, is given no patentable weight.

Claims 1-3, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrary.

McCrary discloses a vehicle which can be used in a variety of circumstances, and is described in lines 1 and 2 of page 2 as having a tire which will not mar a lawn. As such, the vehicle is capable of traversing the fairways of a golf course.

The studs 14 extend from a wheel rim and are shown to be somewhat conical and having a rounded tip. McCrary described the studs as being "approximately acorn shaped."

However, those of ordinary skill in the art would have recognized that the studs could be formed to have other shapes that would be equally effective in providing traction to the wheel, and would have been capable of determining other suitable shapes. Therefore, for the studs to be substantially parabolic in shape would have been obvious as a design expedient based on the intended use of the wheel, the vehicle on which is mounted, the environment or surface on which is intended to be used, etc. Further, such a modification would merely involve providing a curvature to the sides of the studs, and would yield predictable results.

The intended use of the wheel, such as on a golf cart, is given no patentable weight.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 29 is rejected under 35 U.S.C. 102(b) as being anticipated by Einfeldt.

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As shown in figures 1-7, a base 5 includes a plurality of studs 6, which are parabolic in cross-section in a plane normal to the axis of the wheel and parallel to the rolling direction.

The intended use of the wheel is given no patentable weight.

/Russell D. Stormer/

Primary Examiner, Art Unit 3617